

BE IT HEREBY ORDAINED AND ENACTED by the Board of Commissioners of Susquehanna County, Pennsylvania by authority of and pursuant to the provisions of an Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the *Pennsylvania Municipalities Planning Code*, as follows:

ARTICLE I GENERAL PROVISIONS

100 Repealer and Conflict

This Subdivision and Land Development Ordinance, as adopted herein and as may be duly amended by the Board of Commissioners of Susquehanna County shall repeal and replace in total the Susquehanna County Subdivision and Land Development Ordinance ordained and enacted on December 31, 1997; provided however, that the repeal shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue or prosecute, as the case may be, any proceedings pertaining to any violation of the aforesaid ordinances, or any applicable predecessor ordinances and regulations, and all provisions of the said repealed ordinances shall remain in full force and effect, and are not repealed hereby as the said sections pertain to any such violation. This Ordinance is not intended to and shall not be construed to affect or repeal any other ordinance, code or regulation of the County pertaining to land use. If any other ordinance, code or regulation of the County is in conflict or inconsistent with the requirements of this Ordinance, the most restrictive standards and provisions shall apply.

101 Title and Short Title

AN ORDINANCE GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF SUSQUEHANNA COUNTY AND PROVIDING APPLICATION PROCEDURES, DESIGN STANDARDS AND MAINTENANCE REQUIREMENTS FOR IMPROVEMENTS AND PRESCRIBING PENALTIES FOR VIOLATIONS. THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS THE *SUSQUEHANNA COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE*.

102 Jurisdiction

102.1 Application

This Ordinance shall apply to all subdivisions and land developments in the County proposed after the effective date of this Ordinance.

- A. No subdivision or land development of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings thereon, except in accordance with the provisions of this Ordinance.
 - B. No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or a land development may be issued, and no building may be erected in a subdivision or a land development unless and until a plan of such subdivision or land development has been approved and properly recorded, and until the improvements required herein have been constructed or guaranteed in accordance with this ordinance.
 - C. No person, firm or corporation proposing to make, or have made, a subdivision or land development within the County shall proceed with any grading before obtaining from the Susquehanna County Planning Commission the approval of the preliminary plan of the proposed development, and no deeds shall be recorded for lots in any development, before obtaining from the Susquehanna County Planning Commission the approval of the final plan of the proposed subdivision or land development, except as otherwise provided herein.
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- D. The proposed subdivision or land development plat shall be in general accordance with the Susquehanna County Comprehensive Development Plan Update, adopted November 2003.

102.2 Local Municipal Subdivision and Land Development Ordinances

Plans of subdivisions and land developments located within a borough or township having adopted a subdivision and land development ordinance shall be forwarded, upon receipt by the municipality, to the Susquehanna County Planning Commission for review and recommendation, together with a fee, if required by resolution of the County Planning Commission, sufficient to cover the costs of the review and report, and which fee shall be paid by the applicant. Such municipalities shall not approve such plans until the County Planning Commission report is received or until thirty (30) days has passed from the submission of the plan to the County Planning Commission, or within such further time as may be agreed upon between the County Planning Commission and the local authority. Municipalities that have adopted or do hereafter adopt subdivision and land development regulations or ordinances are to file an official, certified copy thereof with the Susquehanna County Planning Commission within 30 days after adoption.

102.3 Local Municipalities Without a Subdivision and Land Development Ordinances

All plans and plats of proposed subdivisions and land developments located in municipalities within the County not having adopted a subdivision and land development ordinance shall be submitted for review and action to the Susquehanna County Planning Commission. Such Planning Commission review and action is in addition to local review by the township or borough officials in which the subdivision or land development is situated. Recommendations pertaining thereto that are received by the Commission within thirty (30) days following transmittal of the plan to the affected municipality will be carefully considered before action is taken on the plan.

102.4 Delegation of Approval Power

The Board of Commissioners, pursuant to Article V of the Pennsylvania Municipalities Planning Code, as amended, hereby delegate to the Susquehanna County Planning Commission the power to take action on subdivisions and land developments, existing and proposed, as regulated by this Ordinance. The Susquehanna County Planning Commission may, by resolution, delegate the authority to take action on certain types of subdivision and land development plans to the County Planning Director or such other Planning Department staff as may be properly qualified and assigned these duties.

- A. The County Planning Director or other staff assigned these responsibilities shall report to the Commission at their next regular meeting all plans (in accordance with §102.4) acted upon since the last report, and indicate their dispositions, setting forth the owner's name(s), municipality, number of lots, size of lots, and the date of approval or disapproval.
- B. Any minor subdivision or land development plan that includes a request for a waiver from a provision or provisions of this ordinance shall be presented to the Susquehanna County Planning Commission for review and action.
- C. Any people whose application for minor subdivision plan approval or land development plan approval was denied by the Planning Director or other staff as described above may appeal to the Commission to review the application. In the event of an appeal, the Planning Director shall present to the Commission the complete file of the case being appealed and shall advise and recommend an appropriate course of action.

102.5 Powers

The Commission shall have all powers necessary to administer the provisions of this Ordinance without limitation by reason of enumeration, including the following:

- A. To prohibit the development of any land found to be unsuitable as defined by this Ordinance.
- B. To require that improvements to the land be made as defined by this Ordinance.
- C. To require the dedication of land as defined as a condition of subdivision or land development plan approval.
- D. To require adherence to this Ordinance and its standards.
- E. To require complete and accurate preliminary and final subdivision and land development submissions and additional information necessary to make reasonable evaluations of such plans.
- F. To make conditional approvals where requirements specified in writing by the Commission will satisfactorily protect the public interest and health, and will not violate State laws and will accomplish the purpose of this Ordinance.
- G. To take no action on lands that are involved in litigation at the time of application for subdivision or land development, or any time during the review of the plan, including any action brought against the Commission or its representatives relative to the subject plan.

102.6 Recording of Plans

In accord with §513 of the Pennsylvania Municipalities Planning Code, the Recorder of Deeds of Susquehanna County shall not accept any subdivision or land development map or plan for recording unless such map or plan officially notes the approval of the Susquehanna County Planning Commission.

103 Purpose

This Ordinance has been adopted to protect and promote the health, safety, and general welfare of the citizens of Susquehanna County by establishing regulations to allow for the proper and controlled development of the County, to provide for environmental protection and to insure the proper provision of community facilities. Regulations for specific types of development for which additional standards have been deemed necessary are intended to protect the rights of the residents of the County to enjoy clean air, pure water, and the natural, scenic, historic, and aesthetic value of the environment, and in particular to preserve and conserve the rural and natural features of the County. The basic tenet of subdivision and land development in the County is basing design on land capability and encouraging flexibility of design via the *conservation subdivision design* process. This will provide larger areas of open space within subdivisions and result in interconnected open space areas throughout the County.

104 Interpretation

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and the general welfare of the County and its citizens. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances of the County except that where this Ordinance imposes a more stringent or greater requirement on the development of land or structure, or requires larger open spaces than are imposed by such other rules, regulations, or ordinances, the provisions of this Ordinance shall control.

Parcels of land which are now or were formerly separately owned shall be considered distinct lots which can be conveyed without approval of the Planning Commission, unless the contrary is stated in the deed. Where the parcels were never separately owned they shall require approval under this ordinance, regardless of whether they were originally conveyed by one deed, or separately shown on a recorded map.

105 Effect of Ordinance Changes

Changes in this Ordinance shall affect plats as follows:

105.1 Pending Action

From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of the Susquehanna County Subdivision and Land Development Ordinance or other governing ordinance or plan shall affect the decision on such application adversely to the Applicant and the Applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the Applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

105.2 Project Completion and Effect of Litigation

When an application for approval of a plat, whether preliminary or final, has been approved under the terms of this Ordinance without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in the Susquehanna County Subdivision and Land Development Ordinance or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition that was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.

105.3 Five Year Initiation

Where final approval is preceded by preliminary approval, the aforesaid five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

105.4 Substantially Completed Improvements

Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five (5) year limit, or any extension thereof as may be granted by the Susquehanna County Planning Commission, no change of municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to density, lot, building, street or utility location.

105.5 More Than Five Years

In the case of a preliminary plat calling for the installation of improvements beyond the five (5) year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the Applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Susquehanna County Planning Commission in its discretion.

105.6 Sections

Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the preliminary plan, unless the Susquehanna County Planning Commission approves a lesser percentage in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five (5) year period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.

105.7 Landowner Failure

Failure of the landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in subdivision and other governing ordinance enacted by the County subsequent to the date of the initial preliminary plan submission.

106 Severability

In the event that any provision, section, sentence, or clause of this Ordinance shall be held to be unconstitutional, such invalidity shall not affect or impair any remaining part of this Ordinance, it being the intent of the County that such remainder shall be and shall remain in full force and effect.

107 Effective Date

This Ordinance shall take effect immediately upon its adoption.
